CHAPTER 23

MISCELLANEOUS PROVISIONS

§1051. Legal holidays

Court may not be held on Sunday or any day designated for the annual Thanksgiving; New Year's Day, January 1st; Martin Luther King, Jr., Day, the 3rd Monday in January; Washington's Birthday, the 3rd Monday in February; Patriot's Day, the 3rd Monday in April; Memorial Day, the last Monday in May, but if the Federal Government designates May 30th as the date for observance of Memorial Day, the 30th of May; Juneteenth, June 19th; the 4th of July; Labor Day, the first Monday of September; Indigenous Peoples Day, the 2nd Monday in October; Veterans Day, November 11th; or on Christmas Day. The Chief Justice of the Supreme Judicial Court may order that court be held on a legal holiday when the Chief Justice finds that the interests of justice and judicial economy in any particular case will be served. The public offices in county buildings may be closed to business on the holidays named in this section. When any one of the holidays named in this section falls on Sunday, the Monday following must be observed as a holiday, with all the privileges applying to any of the days named in this section. [PL 2021, c. 676, Pt. A, §2 (RPR).]

SECTION HISTORY

PL 1969, c. 236, §1 (AMD). PL 1973, c. 114, §2 (AMD). PL 1973, c. 328, §1 (AMD). PL 1973, c. 788, §9 (AMD). PL 1975, c. 418, §1 (AMD). PL 1975, c. 623, §§3-G,3-H (AMD). PL 1979, c. 541, §A15 (AMD). PL 1979, c. 701, §1 (AMD). PL 1981, c. 202 (AMD). PL 1985, c. 50 (AMD). PL 1985, c. 114, §1 (AMD). PL 1985, c. 737, §A13 (RPR). PL 1985, c. 787, §2 (RPR). PL 1985, c. 819, §A1 (RPR). PL 2019, c. 59, §1 (AMD). PL 2019, c. 475, §49 (AMD). PL 2021, c. 140, §1 (RPR). PL 2021, c. 293, Pt. A, §1 (RPR). PL 2021, c. 676, Pt. A, §2 (RPR).

§1052. Crier in the courts

(REPEALED)

SECTION HISTORY

PL 1977, c. 114, §14 (RP).

§1053. Adjournment because of danger from infection

When a malignant infectious distemper prevails in any town wherein the Supreme Judicial Court, the Superior Court or court of county commissioners is to be held, said courts may be adjourned and held in any town in said county, by proclamation made in such public manner as such courts judge best, as near their usual place of meeting as they think that safety permits.

§1054. Surety bonds authorized in civil and criminal cases

In any civil or criminal action or mesne process or other process when a bail bond, recognizance or personal sureties or other obligation is required, or whenever any person is arrested and is required or permitted to recognize with sureties for that person's appearance in court, the court official or other authority authorized by law to accept and approve the same shall accept and approve in lieu thereof, when offered, a good and sufficient surety bond duly executed by a surety company authorized to do business in this State. [RR 2021, c. 1, Pt. B, §43 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §43 (COR).

§1055. Death or disability of presiding justice

(REPEALED)

SECTION HISTORY

PL 1965, c. 356, §8 (RP).

§1056. Powers of attorneys

(REPEALED)

SECTION HISTORY

PL 1967, c. 206 (NEW). PL 1981, c. 456, §A12 (AMD). PL 2021, c. 651, Pt. A, §3 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§1057. Government Operations Surcharge Fund

1. Fund established. There is established a fund to be known as the Government Operations Surcharge Fund. This fund must be maintained by the Treasurer of State for the purposes of reimbursing counties for costs associated with operations of the jail system and, until January 1, 2001, for funding infrastructure improvements to the Maine Criminal Justice Information System described in Title 16, section 631 and for funding the operation of the Judicial Department's computer system.
[PL 1995, c. 668, §1 (AMD).]

2. Surcharge imposed.
[PL 1995, c. 668, §1 (AMD); MRSA T. 4 §1057, sub-§2 (RP).]

2-A. Surcharge imposed. Surcharges of 14% and 5% must be added to every fine, forfeiture or penalty imposed by any court in this State, which, for the purposes of collection and collection procedures, are considered a part of the fine, forfeiture or penalty. The 14% surcharge collected as a result of this subsection must be deposited monthly in the Government Operations Surcharge Fund and the 5% surcharge collected as a result of this subsection must be deposited directly into the General Fund. Three fourteenths of the surcharge collected and deposited in the Government Operations Surcharge Fund must be paid to the Maine Criminal Justice Academy to supplement current funds for training and recertification of part-time and full-time law enforcement officers. One fourteenth of the surcharge collected and deposited in the Government Operations Surcharge Fund must be paid to the State Police to supplement current funds for computer crimes investigations.
[PL 2005, c. 676, §1 (AMD).]

3. Reimbursement to counties.
[PL 2007, c. 653, Pt. A, §1 (AMD); MRSA T. 4 §1057, sub-§3 (RP).]

3-A. Reimbursement to counties. Monthly, the Treasurer of State shall transfer funds from the Government Operations Surcharge Fund to the County Jail Operations Fund program for the purpose of supporting the operation of the jails in an amount equal to 2% of the total fines, forfeitures and penalties, including the surcharge imposed pursuant to subsection 2-A, received by the Treasurer of State for deposit in the Government Operations Surcharge Fund. The balance remaining in the Government Operations Surcharge Fund at the end of each month must accrue to the General Fund. Funds collected and deposited each month to the Government Operations Surcharge Fund must be transferred on the last day of the month in which the collections are made to the County Jail Operations Fund program.

At the close of each month, the State Controller shall calculate the amount to be transferred to the County Jail Operations Fund program based on the collections made during the month. The State Controller shall transfer by journal entry the amount due to the County Jail Operations Fund program.
[PL 2015, c. 335, §2 (AMD).]

4. Payment for infrastructure improvements to the Maine Criminal Justice Information System and for operation of the Judicial Department's computer system.

[PL 1995, c. 668, §1 (NEW); MRSA T. 4 §1057, sub-§4 (RP).]

SECTION HISTORY

PL 1987, c. 339, §3 (NEW). PL 1987, c. 861, §5 (AMD). PL 1991, c. 303, §1 (AMD). PL 1991, c. 733, §3 (AMD). PL 1995, c. 668, §1 (AMD). PL 1997, c. 395, §O1 (AMD). PL 2003, c. 20, §R3 (AMD). PL 2003, c. 673, §§TT1,2 (AMD). PL 2005, c. 676, §1 (AMD). PL 2007, c. 653, Pt. A, §§1, 2 (AMD). PL 2009, c. 213, Pt. GGG, §1 (AMD). PL 2009, c. 213, Pt. GGG, §7 (AFF). PL 2013, c. 598, §1 (AMD). PL 2015, c. 335, §2 (AMD).

§1057-A. Maine Community Policing Institute Surcharge Fund

(REPEALED)

SECTION HISTORY

PL 1999, c. 357, §3 (NEW). PL 2001, c. 51, §1 (AMD). PL 2001, c. 617, §3 (AMD). PL 2001, c. 698, §3 (AMD). PL 2001, c. 698, §7 (AFF). PL 2003, c. 20, §R4 (RP).

§1058. Prisoner application to proceed in forma pauperis

1. Prepayment of filing fee and certified copies required. A person who is confined in a federal, state, county or local correctional or detention facility may not bring a civil action arising under federal or state law in any court in this State with respect to a condition of that person's confinement or the effect of an action or inaction by a government official on the life of that person confined and may not appeal a judgment in such a civil action without prepayment of the filing fee unless, in addition to the in forma pauperis application and affidavit required by the Maine Rules of Civil Procedure, Rule 91, that person submits a certified copy of the general client account statement for that person for the 6-month period immediately preceding the filing of the action or appeal, obtained from the appropriate official of each facility at which that person is or was confined.
[PL 2005, c. 506, §1 (AMD).]

2. Waiver of prepayment of filing fee. If the court finds that the action or appeal is not frivolous and has been brought in good faith and that the person is without sufficient funds to pay the filing fee, it shall order that prepayment of the full amount of the filing fee be waived. If the court denies the in forma pauperis application, the action or appeal must be dismissed without prejudice, unless within 7 days after the denial the person pays the filing fee to the clerk of the court.
[PL 1997, c. 75, §1 (NEW).]

3. Full payment of filing fee required; initial partial filing fee. Notwithstanding subsection 2, the person shall pay the full amount of the filing fee. The court shall assess the person's financial status and, when funds exist, collect as a partial payment of the filing fee an initial partial filing fee of 20% of the greater of:

A. The average monthly deposits to the general client account credited to the person for the 6-month period immediately preceding the filing of the action or appeal; or [PL 2005, c. 506, §1 (AMD).]

B. The average monthly balance in the general client account for the person for the 6-month period immediately preceding the filing of the action or appeal. [PL 2005, c. 506, §1 (AMD).]
[PL 2005, c. 506, §1 (AMD).]

4. Payments from account. After payment of the initial partial filing fee, the person shall make monthly payments of 20% of the preceding month's deposits to the general client account credited to the person. The facility having custody of the person shall forward monthly payments from the account to the clerk of the court each time the amount in the account for the person exceeds $10 until the filing fee is paid in full.
[PL 2005, c. 506, §1 (AMD).]

5. Restrictions on filing fee. The filing fee collected may not exceed the amount of the fee permitted by law for the commencement of a civil action or an appeal of a civil action. A person may not be prohibited from bringing a civil action or appealing a civil action if the court finds that the action or appeal is not frivolous and has been brought in good faith and that the person has no assets and no means by which to pay the initial partial filing fee.
[PL 1997, c. 75, §1 (NEW).]

6. Payment of outstanding restitution orders. Any compensatory damages awarded to a person in connection with a civil action brought with respect to a condition of the person's confinement or the effect of an action or inaction by a government official on the life of the person confined must be paid directly to satisfy any outstanding restitution orders pending against the person, whether as the result of court proceedings or facility disciplinary proceedings. The remainder of any such award, after full payment of all pending restitution orders, must be forwarded to the person.
[PL 1997, c. 75, §1 (NEW).]

7. Notification to victim. Prior to payment of any compensatory damages awarded to a person in connection with a civil action brought with respect to a condition of the person's confinement or the effect of an action or inaction by a government official on the life of the person confined, reasonable efforts must be made to notify the victims of the crime for which the person was confined concerning the pending payment of any such compensatory damages.
[PL 1997, c. 75, §1 (NEW).]

8. Civil liability. Neither the failure to perform the requirements of this section nor compliance with this section subjects the Commissioner of Corrections, the Department of Corrections, the county jail, the employees or officers of the department or jail or the attorney representing any of them to liability in a civil action.
[PL 1997, c. 75, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 75, §1 (NEW). PL 2005, c. 506, §1 (AMD).

§1059. Fines; tribal law enforcement activities

1. Civil and criminal fines. Except as provided in subsection 2, a fine for a civil violation, traffic infraction or Class D or Class E crime imposed for a violation of any tribal or state law must be remitted to the Passamaquoddy Tribe or the Penobscot Nation, as appropriate, when a tribal law enforcement agency issued the ticket, complaint, summons or warrant or made the arrest related to the violation.
[PL 2009, c. 417, §1 (NEW).]

2. Exception; environmental violations. A fine imposed by a state court for a violation of Title 38 within the Indian territory of the Passamaquoddy Tribe or the Penobscot Nation may not be remitted to the Passamaquoddy Tribe or the Penobscot Nation. In addition to those costs awarded to the State pursuant to Title 14, section 1522, subsection 1, the court may award to the Passamaquoddy Tribe or the Penobscot Nation costs associated with investigating and otherwise contributing to any enforcement action for a violation of Title 38.
[PL 2009, c. 417, §1 (NEW).]

3. Repeal.
[PL 2011, c. 426, §1 (RP).]

SECTION HISTORY

PL 2009, c. 417, §1 (NEW). PL 2011, c. 426, §1 (AMD).

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